

Appl. No. 09/599,718  
Reply to Office action of 06/04/2003

### REMARKS/ARGUMENTS

Reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 1, 2, and 6-10 are pending in this case. Claims 1 and 10 are amended herein and claims 3-5 and 11-14 are cancelled herein.

The Examiner rejected claims 2-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter with applicant regards as the invention. Claims 3-5 are cancelled. Claim 2 is amended to overcome the rejection.

The Examiner rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Grill et al. (U.S. Patent 6,140,226) in view of either Hung et al. (U.S. Patent 6,380,096) or Wang et al. (U.S. Patent 6,057,239).

Applicant respectfully submits that amended claim 1 is patentable over the references as there is no disclosure or suggestion in the references of selectively etching a via through a hardmask, partially extending the via by selectively etching the intrametal dielectric layer, depositing a BARC layer, and etching a trench in the intrametal dielectric layer, wherein the etching a trench step further removes at least a portion of the BARC layer within the via and removes a portion of the interlevel dielectric layer such that at the conclusion of said etching a trench step said via extends through said interlevel dielectric layer. The references do not disclose or suggest partially extending the via, then filling with BARC, and then, during the trench etch, finishing the via by removing the BARC fill and etching through the interlevel dielectric layer. Instead, the references teaching via first/BARC fill teach forming the full via before depositing the BARC fill. Accordingly, Applicant respectfully submits that claim 1 and the claims dependent thereon are patentable over the references.

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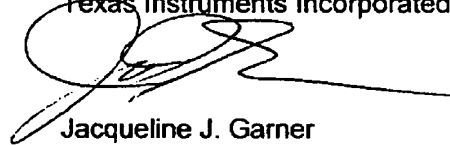
Claim 10 is similarly patentable over the references.

The other references cited by the Examiner have been reviewed, but are not felt to come within the scope of the claims as amended.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 1, 2, and 6-10. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Respectfully submitted,

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